

### Amendments to the Claims

The following listing of claims will replace all prior versions and/or listings of claims in the application.

#### Listing of Claims:

1-14. (cancelled)

15. (currently amended): An intervertebral implant for a human spine, comprising:  
a cage element comprising a superior surface and an inferior surface, wherein the inferior surface of the cage element is configured to engage support a first vertebra of the human spine to inhibit movement of the first vertebra towards a second vertebra, and wherein the superior surface of the cage element comprises a first opening;  
an insert comprising a superior surface and an inferior surface support surface for the second vertebra configured to inhibit movement of the second vertebra towards the first vertebra, wherein the insert is configured to be positioned at least partially in the cage element; and  
an expansion member configured to be inserted in the cage element advanced through an opening in a side of the cage element to expand the intervertebral implant by elevating the insert and moving to move a portion of the insert through the opening in the superior surface of the cage element so that the support surface of the insert is raised relative to the inferior surface of the cage element, thereby increasing a height of the intervertebral implant and allowing the superior surface of the insert to engage the second vertebra of the human spine.

16. (currently amended): The intervertebral implant of claim 15, wherein intervertebral wherein the intervertebral implant is configured such that the direction of movement of the expansion member is substantially perpendicular to the direction of movement of the insert.

17. (previously presented): The intervertebral implant of claim 15, wherein the expansion member is configured to be advanced between an interior surface of the cage element and the inferior surface of the insert.

18. (currently amended): The intervertebral implant of claim 15, wherein the superior support surface of the insert comprises osteoconductive mesh structure.

19. (previously presented): The intervertebral implant of claim 15, wherein an interior surface of the cage element comprises a raised portion configured to inhibit backout of the expansion member after expansion of the intervertebral implant.

20. (currently amended): The intervertebral implant of claim 15, wherein the expansion member comprises an angled portion configured to engage an angled portion of the insert to facilitate insertion of the expansion member in the cage element expansion of the intervertebral implant increases the height of the intervertebral implant by substantially increasing the height of the expansion member.

21. (currently amended): An intervertebral implant for a human spine, comprising:  
a cage element comprising a superior surface and an inferior surface, wherein the inferior surface of the cage element is configured to engage support a first vertebra of the human spine to inhibit movement of the first vertebra towards a second vertebra, and wherein the superior surface of the cage element comprises an opening;

an insert comprising a superior surface and an inferior surface and a support surface for the second vertebra configured to inhibit movement of the second vertebra towards the first vertebra, wherein the insert is configured to be positioned in the cage element such that the inferior surface of the insert is inside of the cage element and the superior surface support surface of the insert is outside of the cage element; and

an expansion member configured to be inserted in the cage element advanced through an opening in a side of the cage element to elevate at least a portion of the insert through the opening in the superior surface of the cage element so that the support surface of the insert is raised relative to the inferior surface of the cage element, thereby increasing a height of the

intervertebral implant and allowing the superior surface of the insert to engage the second vertebra of the human spine.

22. (previously presented): The intervertebral implant of claim 21, wherein the intervertebral implant is configured such that the direction of movement of the expansion member is substantially perpendicular to the direction of movement of the insert.

23. (previously presented): The intervertebral implant of claim 21, wherein the expansion member is configured to be advanced between an interior surface of the cage element and the inferior surface of the insert.

24. (currently amended): The intervertebral implant of claim 21, wherein the superior surface support surface of the insert comprises osteoconductive mesh structure.

25. (currently amended): The intervertebral implant of claim 21, wherein an interior surface of the cage element comprises a raised portion configured to inhibit backout of the expansion member after expansion after insertion of the expansion member of the intervertebral implant.

26. (currently amended): The intervertebral implant of claim 21, wherein the expansion member comprises an angled portion configured to engage an angled portion of the insert to facilitate insertion of the expansion member in the cage element increasing the height of the intervertebral implant comprises increasing the height of the intervertebral implant by substantially increasing the height of the expansion member.

27. (currently amended): An intervertebral implant for a human spine, comprising:  
a cage element with a superior surface and an inferior surface, wherein the inferior surface of the cage element comprises a first opening and the superior surface of the cage element comprises a second opening;  
a first insert, wherein at least a portion of the first insert is configured to be positioned in the cage element proximate the first opening;

a second insert, wherein at least a portion of the second insert is configured to be positioned in the cage element proximate the second opening; and

an expansion member configured to be advanced through inserted in a third opening in the cage element to raise a support surface of the first insert relative to the inferior surface of the cage element, wherein the support surface of the first insert is configured to couple to a first vertebra to inhibit movement of the first vertebra towards a second vertebra; and

wherein the expansion member when inserted in the third opening is configured to raise a support surface of the second insert relative to the superior surface of the cage element, wherein the support surface of the second insert is configured to couple to the second vertebra to inhibit movement of the second vertebra towards the first vertebra expand the intervertebral implant by engaging the first insert and the second insert after the intervertebral implant is positioned between a first vertebra and a second vertebra of the human spine, wherein engaging the first insert comprises moving a portion of the first insert through the first opening of the cage element such that an inferior surface of the first insert engages the first vertebra of the human spine, and wherein engaging the second insert comprises moving a portion of the second insert through the second opening of the cage element such that a superior surface of the second insert engages the second vertebra of the human spine.

28. (currently amended): The intervertebral implant of claim 27, wherein the intervertebral implant is configured such that the direction of movement of the expansion member is substantially perpendicular to the direction of movement of the first insert and the second insert.

29. (previously presented): The intervertebral implant of claim 27, wherein the expansion member is configured to be advanced between a superior surface of the first insert and an inferior surface of the second insert.

30. (currently amended): The intervertebral implant of claim 27, wherein the inferior surface of the first insert comprises osteoconductive mesh structure.

31. (currently amended): The intervertebral implant of claim 27, wherein the superior surface of the support surface of the second insert comprises osteoconductive mesh structure.

32. (currently amended): The intervertebral implant of claim 27, wherein an interior surface of the cage element comprises a raised portion configured to inhibit backout of the expansion member after insertion of the expansion memberexpansion of the intervertebral implant.

33. (previously presented): The intervertebral implant of claim 27, wherein expanding the intervertebral implant comprises increasing a height of the intervertebral implant.

34. (currently amended): The intervertebral implant of claim 27, wherein the expansion member comprises at least one angled portion configured to engage an angled portion of the first insert to facilitate insertion of the expansion member in the cage elementexpanding the intervertebral implant comprises increasing a height of the intervertebral implant by substantially increasing a height of the expansion member.